

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DIGISOUND-WIE, INC.,)	
)	
Plaintiff,)	
v.)	
)	
BESTAR TECHNOLOGIES, INC., et al.)	Case 07 CV 6535
)	
Defendants.)	Judge George W. Lindberg
)	
<hr/> DIRK DE YOUNG,)	Magistrate Judge Michael T. Mason
)	
Counter-Plaintiff,)	
v.)	
)	
DIGISOUND-WIE, INC.,)	
)	
Counter-Defendant.)	

DIRK DE YOUNG’S MOTION FOR ENTRY OF DEFAULT JUDGMENT

Defendant/Counter-Plaintiff Dirk de Young, by and through his attorneys, Tressler, Soderstrom, Maloney & Priess LLP, pursuant to Federal Rule of Civil Procedure 55(b), hereby moves this Court for entry of default judgment in his favor and against Plaintiff/Counter-Defendant Digisound-WIE, Inc. and states as follows:

1. On November 16, 2007, Plaintiff Digisound-WIE, Inc. (“Digisound”) filed its Complaint against Defendants.
2. Upon the resolution of a motion to dismiss, Digisound filed an Amended Complaint against Defendants on March 4, 2008.
3. On May 5, 2008, the Court ordered Defendants to respond to the Amended Complaint by May 30, 2008.

4. On May 30, 2008, Dirk de Young, in pertinent part, filed his Counterclaim against Digisound.

5. Dirk de Young's Counterclaim consists of a breach of contract action against Digisound, his former employer, based on its failure to pay him a minimum monthly stipend of \$250.00 due under an employment contract from at least August 2005 through June 2007. (*See* Affidavit of Dirk de Young attached hereto as Exhibit "A.")

6. Dirk de Young seeks damages in the amount of \$5,750.00 from Digisound, which represents the minimum monthly stipend that Digisound failed to pay him for each month beginning August 2005 through June 2007, plus pre-judgment interest (*See* Exh. A.)

7. Service of the Counterclaim was effectuated upon Digisound on May 5, 2008 when the Counterclaim was filed by means of the Court's electronic filing system. Digisound was served with the Counterclaim through its counsel who has previously appeared on its behalf. (*See* Affidavit of James K. Borcia attached hereto as Exhibit "B.")

8. Digisound failed to answer the Counterclaim or otherwise plead by June 19, 2008 as required by Fed.R. Civ. P. 12(b).

9. As of the filing of this motion, Digisound has not filed a responsive pleading with respect to the Counterclaim. (*See* Exh. B.)

10. Therefore, Digisound is currently in default on the Counterclaim, and this Court should enter an Order finding Digisound in default and awarding damages in Dirk de Young's favor.

WHEREFORE, Defendant/Counter-Plaintiff DIRK DE YOUNG respectfully requests that this Court enter an Order entering judgment on the Counterclaim in his favor and against

Plaintiff/Counter-Defendant Digisound-WIE, Inc. in the amount of \$5,750.00, plus pre-judgment interest.

DIRK DE YOUNG

By: /s/ James K. Borcia
One of His Attorneys

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